IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 34452 of 2007(B)

PETITIONERS:

RAJAN, S/O. KUNJAN PANICKER, AGED 63,
RESIDING AT KULATHANGARA VEEDU, NEMOM P.O.,
TRIVANDRUM-695 020.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON
SRI.M.AJAY (IRUMPANAM)

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
THE SECRETARY (HOME), GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.

2. **CITY COMMISSIONER OF POLICE,**
OFFICE OF THE CITY COMMISSIONER OF POLICE,
THYCAUD, TRIVANDRUM.

3. **CIRCLE INSPECTOR OF POLICE,**
NEMOM, TRIVANDRUM.

4. **SUB INSPECTOR OF POLICE,**
NEMOM, TRIVANDRUM.

5. **SREEKUMARAN NAIR, S/O. BHASKARA PILLAI,**
RESIDING AT KUNJUVEEDU, NEMOM P.O.,
TRIVANDRUM-695 020.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL
BY GOVERNMENT PLEADER SRI. P.A.SALIM for R1 & R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.34452/2007 B

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE MEMORANDUM OF APPEAL IN A.S.236/2007 BEFORE THE DISTRICT COURT, THIRUVANANTHAPURAM IN O.S.NO.2199/91.

EXT.P2: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE NEMOM DTD. 31/07/2007.

EXT.P3: COPY OF THE FIR IN CRIME NO.345/2007.

EXT.P4: COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER BEFORE THE POLICE AUTHORITIES DTD. 03/08/2007.

EXT.P5: COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE COMMISSIONER OF POLICE DTD.06/11/2007.

EXT.P6: COPY OF THE ACKNOWLEDGEMENT GIVEN BY THE POLICE EVIDENCING THE RECEIPT OF EXT.P5.

5TH RESPONDENT'S EXHIBITS:

EXT.R5(A): COPY OF THE SALE DEED NO.1729 OF 1993 DTD. 20/08/1993.

EXT.R5(B): COPY OF TAX RECEIPT DTD. 23/05/2007.

EXT.R5(C): COPY OF THE COMMON JUDGMENT DTD. 11/04/2003 IN A.S.NO. 168 OF 1999 AND A.S.NO.194 OF 1999.

EXT.R5(D): COPY OF NOTICE DTD. 1/10/2007.

EXT.R5(E): COPY OF THE ORDER DTD. 18/08/2007 IN CRL.M.C.NO.1781/2007.

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 34452 OF 2007-B

Dated 27th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that the 5th respondent is threatening his life and therefore, he requires protection of the police. He is the power-of-attorney holder of one Smt.Sulochana, who is having some civil dispute with the 5th respondent. Cases are pending before the civil courts. The petitioner claims possession and ownership of 33 cents of land in Survey No.935/40 of Nemom village. He is residing in a building therein. Since he is representing the 5th respondent's rival as her power-of-attorney holder, the said respondent is harbouring ill-will towards him, it is submitted. On 1.8.2007,the 5th respondent along with others trespassed into the residential building of the petitioner and manhandled him and his family members. On the information lodged by him, a crime has been registered against the 5th respondent and others. Even thereafter, the 5th respondent is continuing with the threat to his life. So, he was constrained to file Ext.P5

representation before the police, seeking protection. Since the police did not take any action, this writ petition is filed, seeking appropriate reliefs.

2. The learned Government Pleader, upon instructions, submitted that though a crime has been registered on the information lodged by the petitioner, he is not co-operating thereafter with the police to complete its investigation. It is also submitted that there is no law and order situation, warranting any orders from this Court to grant protection to the petitioner.

3. The 5th respondent would deny all the allegations against him. He is a lawyer of 33 years' standing, it is submitted. The petitioner is pursuing the litigation using a fictitious person called Sulochana. There is no such person in existence. The allegations concerning the incident on 1.8.2007 are false and unfounded. In the said crime, the 5th respondent has obtained anticipatory bail, it is submitted.

4. Having regard to the nature of the allegations and counter allegations, we feel that this is not a fit case where we should order police protection to the petitioner. But, if any cognizable offence is reported, the

police shall take appropriate action in accordance with law.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGDE.

K.P.BALACHANDRAN, JUDGE.

Nm/